

UNITED STATES BANKRUPTCY COURT
DISTRICT OF PUERTO RICO

IN RE:
DOMINGO FUENTES VELEZ

CASE NO. 11-04722-SEK

CHAPTER 13

DEBTOR (S)

**TRUSTEE'S UNFAVORABLE REPORT
ON PROPOSED PLAN CONFIRMATION UNDER §1325**

TO THE HONORABLE COURT: NOW COMES, José R. Carrión, Chapter 13 Trustee, and very respectfully alleges and prays:

This is the Trustee's position regarding the request, under **11 U.S.C. §1325**, for the confirmation of a Chapter 13 Plan.

Debtor(s)' Income: **Above Median / 60 months commitment period.** Gen Unsecured Pool: **\$0.00**

The **LIQUIDATION VALUE** of the estate has been determined in **\$0 R2016 STM. \$3,000.00**

TOTAL ATTORNEYS FEES THRU PLAN: \$2,694.00 Fees paid: \$0.00 Fees Outstanding: \$2,694.00
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With respect to the proposed (amended) Plan dated: **July 05, 2011** (Dkt 10). Plan Base: **42,000.00**

The proposed (amended) plan can not be confirmed because it has the following deficiencies:

- Insufficiently Funded to pay what it proposes (or needs) to pay [§1325(a)(6)]

Debtor must amend the plan to increase its base.

- Debtor(s) fails to comply with Income Tax Return filing requirements of §1308. [§1325(a)(9)]

Debtor has failed to submit evidence of filing the 1040PR for the years 2009-2010 and upload the evidence of filing the 2007-2010 PR income tax return.

- Debtor(s) has/have failed to comply with her/his/their duties as a Debtor(s), debtor(s) has/have failed to provide documents and/or information requested at the meeting of creditors, impairing the Trustee duties performance under the Code. [11 USC §521 & §1302(b)]

Debtor has not submitted the paystubs for November and December 2010. In addition, Debtor must submit evidence of Navy drills. It seems that Debtor obtained in such months about \$3,315.00 per month less deduction. Mean Test must be amended accordingly. Therefore, the Trustee cannot determine if the instant case has a general unsecured pool and the commitment period.

Due to the above described deficiencies in the proposed plan the Trustee Objects to the Confirmation of the same.

CERTIFICATE OF SERVICE: The Chapter 13 Trustee herewith certifies that a copy of this motion has been served via first class mail on the same date it is filed to: the DEBTOR(s), and to her/his/their attorney through CM-ECF notification system.

In San Juan, Puerto Rico this July 22, 2011.

/s/ Mayra Arguelles -Staff Attorney

JOSE R. CARRION

CHAPTER 13 TRUSTEE

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